IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.23 OF 2007
IN
LETTERS PATENT APPEAL (ST.) NO.56 OF 2006

State of Maharashtra & Anr. ...Applicants
V/s.
Navnath Maruti Chavan ...Respondent

Mr.A.P. Vanarse, AGP, for the Applicants.
Mr.U.B. Nighot, Advocate, for the Respondent.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 18TH JULY, 2007.

P.C. :

1. Heard.

2. The learned Counsel for the respondent strongly objects for condonation of delay on the ground that no good and sufficient reason has been shown to condone the delay. We do appreciate the contention of the learned Counsel for the respondent, but we find that this is a fit case which requires consideration as the matter pertains to Forests Department.

3. In so far as the delay is concerned, the respondent can be well compensated by substantial costs. We, therefore, specifically enquired from the learned AGP as to who was the Chief Conservator of Forests at the relevant time when the Petition came to

be decided and no steps were taken by the Department to challenge the impugned decision. We are informed that one Mr.Thosare was the Chief Conservator of Forests of that region.

4. We, therefore, condone the delay subject to the applicant-appellant paying costs of Rs.10,000/- to the respondent by depositing the same in this Court within a period of two weeks from today. The applicant-appellant would be at liberty to recover the costs from Mr.Thosare, the then Chief Conservator of Forests or any other officer who is ultimately found to be responsible for causing delay in filing the Letters Patent Appeal, as in the opinion of this Court these are the officials who are accountable for such lapses on their part and it amounts to dereliction of duty and should be held liable to pay costs from their pocket and it should not be paid out of public exchequer / tax payers money.

5. Civil Application to be taken up for hearing alongwith the Letters Patent Appeal. Appeal to be listed for admission after the costs is deposited in this Court. We make it clear that on failure to deposit the costs, as directed by this Court, the Letters Patent Appeal to stand dismissed without any further reference to the Court.

[A.A. SAYED, J.] **[J.N. PATEL, J.]**